### **DEPARTMENT OF THE ARMY**



HEADQUARTERS, UNITED STATES ARMY FORCES COMMAND FORT MCPHERSON, GEORGIA 30330-6000

REPLY TO ATTENTION OF

AFLG-PROM

27 November 1996

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Contracting Information Letter (CIL) 97-10, Termination of Cable Television Franchise Agreements

Reference enclosed memorandum, SARD-PP, dated 4 Nov 96, SAB. This memorandum provides information on termination of cable television franchise agreements on Department of Defense installations that are identified for closure by the Base Realignment and Closure (BRAC) Commission. These franchise agreements must be treated as contracts under the Federal Acquisition Regulation (FAR). Contracting Offices must issue termination for convenience notices to affected cable contractors. For additional information, contact Carol Reger at DSN 367-5642.

Encl as BEVERLY Y./THOMAS

Acting Chief, Contracting Division, DCSLR Acting Principal Assistant Responsible for Contracting

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#### DEPARTMENT OF THE ARMY

13 NOV 1996

# OFFICE OF THE ASSISTANT SECRETARY RESEARCH DEVELOPMENT AND ACQUISITION 103 ARMY PENTAGON WASHINGTON DC 20310-0103

REPLY TO ATTENTION OF

U 4 NOV 19**96** 

SARD-PP

MEMORANDUM FOR COMMANDER, U.S. ARMY FORCES COMMAND,
ATTN: AFLG-PR, 200 HARDEE AVENUE,
FORT MCPHERSON, GA 30330-6000
COMMANDER, U.S. ARMY TRAINING AND
DOCTRINE COMMAND, ATTN: ATBO-A,
FORT MONROE, VA 23651-5000
COMMANDER, U.S. ARMY COMMUNICATIONSELECTRONICS COMMAND, ATTN: AMSELAC, FORT MONMOUTH, NJ 07703-5000

SUBJECT: Terminations of Cable Television Franchise
Agreements at Installations Completing
Closure or Realignment During Fiscal Year
1997

#### References:

- a. National Defense Authorization Act for Fiscal Year 1997, Public Law No. 104-201, § 833, 104 Stat. 2422 (1996) (copy enclosed).
- b. In the Matter of the Department of Defense Cable Television Franchise Agreements, United States Court of Federal Claims Advisory Opinion, 36 Fed. Cl. 171 (1996).

Pursuant to reference a., the Army must treat cable television franchise agreements at installations identified for closure by the Base Realignment and Closure Commission (BRAC installations) as contracts under the Federal Acquisition Regulation (FAR), and issue termination for convenience (T for C) notices to affected cable operators.

At the present time, we have identified Fort Devens, MA, Vint Hill Farms Station, VA, and Fort Ord/Presidio of Monterey, CA as BRAC installations

where contracting officers must issue complete or partial T for C notices to cable operators during FY 1997.

Please ensure that contracting officers issue timely T for C notices to the affected cable operators at the above BRAC installations during this fiscal year, and commence settlement negotiations pursuant to the part 49 of the FAR.

While reference a. states that cable television operators are entitled to recovery of their investments at BRAC installations to the extent authorized in part 49 of the FAR, the terms of termination settlements should be based both on the FAR and on any termination provisions in the cable television franchise agreements.

My points of contact for this action are Mr. Curtis Stevenson in my office, telephone number (703) 697-2630, and Mr. Doug DeMoss in the Office of the General Counsel, telephone number (703) 697-4349.

Kenneth J. Oscar

Deputy Assistant Secretary of the Army
(Procurement)

len flecar

Enclosure

CF: Commander, U.S. Army Materiel Command, Attn: AMCRDA, 5001 Eisenhower Avenue, Alexandria, VA 22333-0001

described in subsection (b) for the Department of Defense be made only from a firm in the small arms production industrial base.

(b) Covered Property and Services.—Subsection (a) applies to the following:

"(1) Repair parts for small arms.

"(2) Modifications of parts to improve small arms used by

the armed forces.

"(c) SMALL ARMS PRODUCTION INDUSTRIAL BASE. In this section, the term 'small arms production industrial base' means the firms comprising the small arms production industrial base, as described in the plan entitled Preservation of Critical Elements of the Small Arms Industrial Base', dated January 8, 1994, that was prepared by an independent assessment panel of the Army Science

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

pom the small arms production thauser

SEC.~833.~CABLE~TELEVISION~FRANCHISE~AGREEMENTS.

Based on the advisory opinion from the United States Court of Federal Claims, In the Matter of the Department of Defense Cable Television Franchise Agreements, National Defense Authorization Act for Fiscal Year 1996, Section 823, No. 96-133X (July 11.

(1) cable television franchise agreements for the construction, installation, or capital improvement of cable systems at military installations shall be considered contracts for purposes of the Federal Acquisition Regulation;

(2) cable television operators are entitled to recovery of their investments at such installations to the extent authorized in

part 49 of the Federal Acquisition Regulation; and

(3) the appropriate official of the Department of Defense shall promptly issue a written notice of the termination for the convenience of the Government of the contracts described in such advisory opinion and commence settlement negotiations pursuant to the requirements of part 49 of the Federal Acquisition Regulation.

# TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

# Subtitle A-General Matters

Sec. 901. Repeal of previously enacted reduction in number of statutory positions in Office of the Secretary of Defense.

Sec. 902. Additional required reduction in defense acquisition workforce.

Sec. 903. Reduction of personnel assigned to Office of the Secretary of Defense. Sec. 904. Report on military department headquarters staffs.

Sec. 905. Matters to be considered in next assessment of current missions, respon-

sibilities, and force structure of the unified combatant commands. Sec. 906. Transfer of authority to control transportation systems in time of lear

Sec. 907. Codification of requirements relating to continued operation of the Uniformed Services University of the Health Sciences.

Sec. 908. Joint Requirements Oversight Council.

Sec. 909. Membership of the Ammunition Storage Board.

Sec. 910. Removal of Socre Zone Board Sec. 911. Composition of ac-Sec. 912. Mission of the Wi-

Subt.

Sec. 921. Short title.  $S_{\rm crc}$ , 922. Findings, Sec. 923. Quadrennia! Det. Sec. 924. National Defense.

Sec. 925.  $Postponement \ \epsilon_{\mathbb{C}^{+}}$ Sec. 926. Definitions.

## Subtiti

SEC, 901, REPEAL OF Pr OF DEFENS.

Section 903 of the  $\,$ Year 1996 (Public Las-

SEC. 902. ADDITIONAL TION WORE

(a) ADDITIONAL It: 906(d) of the National 1996 (Public Law 104-(1) by striking out "pe follows and inserting i "A) the total

October 1, 1996, : 15,000; and

"(B) the total  $\gamma$ October 1, 1997, . 30,000.".

(b) Baseline Num adding at the end the arphi"(3) For purposes means the total number ber 1, 1995.".

SEC. 903. REDUCTION 6 SECRETARY

(a) PERMANENT L1. tober 1, 1999, the nun: cent of the baseline nur (b) Phased Reduc

(1) as of Octor baseline number, c (2) as of Octor baseline number.

(c)  $B_{ASELINE}/N_{UM}$ "baseline number" mea ber 1, 1994.

(d) OSD PERSONN the term "OSD person: the Department of De functions in the Office